

Bill No. SB 1924

Barcode 871504

587-1841-06

Proposed Committee Substitute by the Committee on Health Care

1 A bill to be entitled

2 An act relating to long-term care coverage;

3 reenacting and amending s. 409.9102, F.S.;

4 directing the Agency for Health Care

5 Administration, in consultation with the Office

6 of Insurance Regulation and the Department of

7 Children and Family Services, to amend the

8 Medicaid state plan that established the

9 Florida Long-Term Care Partnership Program for

10 purposes of compliance with provisions of the

11 Social Security Act; providing duties of the

12 program; requiring consultation with the Office

13 of Insurance Regulation and the Department of

14 Children and Family Services for the creation

15 of standards for certain information; providing

16 rulemaking authority to the agency for

17 implementation of s. 409.9102, F.S.; providing

18 rulemaking authority to the department

19 regarding determination of eligibility for

20 certain services; creating s. 627.94075, F.S.;

21 requiring the office, in consultation with the

22 agency and the department, to develop standards

23 for designation of eligible long-term care

24 policies and related forms; providing

25 rulemaking authority to the Financial Services

26 Commission for the implementation of the

27 Long-Term Care Partnership Program; repealing

28 ss. 1 and 2 of ch. 2005-252, Laws of Florida,

29 to delete conflicting provisions relating to

30 determining eligibility for nursing and

31 rehabilitative services and establishing a

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1 Long-Term Care Partnership Program which were
2 contingent upon amendment to the Social
3 Security Act; amending s. 4 of ch. 2005-252,
4 Laws of Florida, to delete a contingency in an
5 effective date; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Section 409.9102, Florida Statutes, as
10 created by section 2 of chapter 2005-252, Laws of Florida, is
11 reenacted and amended to read:

12 (Substantial rewording of section. See
13 s. 409.9102, F.S., for present text.)

14 409.9102 Florida Long-Term Care Partnership
15 Program.--The Agency for Health Care Administration, in
16 consultation with the Office of Insurance Regulation and the
17 Department of Children and Family Services, is directed to
18 establish the Florida Long-Term Care Partnership Program, in
19 compliance with the requirements of s. 1917(b) of the Social
20 Security Act, as amended.

21 (1) The program shall:

22 (a) Provide incentives for an individual to obtain or
23 maintain insurance to cover the cost of long-term care.

24 (b) Provide a mechanism for an individual to qualify
25 for coverage of the costs of long-term care needs under
26 Medicaid without first being required to substantially exhaust
27 his or her assets, including a provision for the disregard of
28 any assets in an amount equal to the insurance benefit
29 payments that are made to or on behalf of an individual who is
30 a beneficiary under the Florida Long-Term Care Partnership
31 Program.

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(c) Alleviate the financial burden on the state's medical assistance program by encouraging the pursuit of private initiatives.

(2) The Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Family Services, shall create standards for long-term care partnership plan information distributed to individuals through insurance companies offering approved partnership policies.

(3) The Agency for Health Care Administration is authorized to amend the Medicaid state plan and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

(4) The Department of Children and Family Services, when determining eligibility for Medicaid long-term care services for an individual who is the beneficiary of an approved long-term care partnership policy, shall reduce the total countable assets of the individual by an amount equal to the insurance benefit payments that are made to or on behalf of the individual. The department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 2. Section 627.94075, Florida Statutes, is created to read:

627.94075 Florida Long-Term Care Partnership Program.--

(1) The office, in consultation with the Agency for Health Care Administration and the Department of Children and Family Services, is directed to develop standards for the designation of eligible long-term care policies to be issued in accordance with the Florida Long-Term Care Partnership

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1 Program as described in s. 409.9102 and a form or forms that
2 shall be used by insurers to assist insureds and the program
3 in making a determination of eligible policies. Insurers, upon
4 request of the office, shall provide information necessary to
5 determine the number of eligible policies, the amount of
6 benefits paid, and the types and kinds of products offered in
7 order to monitor the implementation of the program.

8 (2) The commission may adopt rules pursuant to ss.
9 120.536(1) and 120.54 to implement applicable provisions of
10 the Long-Term Care Partnership Program, establish standards
11 for the determination of whether a policy is eligible for the
12 program, establish the proper reporting of benefits paid under
13 partnership-eligible insurance policies, adopt standardized
14 forms to be used by insurers to provide information to
15 insureds and the program regarding the eligibility of the
16 insurer's long-term care policy as a qualifying or
17 nonqualifying policy with the program, and adopt forms to be
18 filed by insurers to report information requested by the
19 office in connection with the program.

20 Section 3. Sections 1 and 2 of chapter 2005-252, Laws
21 of Florida, are repealed.

22 Section 4. Section 4 of chapter 2005-252, Laws of
23 Florida, is amended to read:

24 Section 4. This act shall take effect upon becoming a
25 law, except that the amendments to section 409.905, Florida
26 Statutes, and the newly created section 409.9102, Florida
27 Statutes, provided in this act shall take effect contingent
28 upon amendment to section 1917(b)(1)(c) of the Social Security
29 Act by the United States Congress to delete the "May 14,
30 1993," deadline for approval by states of long-term care
31 partnership plans.

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1 Section 5. This act shall take effect upon becoming a
2 law.

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